

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. 2:93-cr-0233 GEB KJN P

Respondent,

ORDER

GERALD JOSEPH GALLANT,

Movant.

Movant is a federal prisoner, proceeding through counsel, with a second motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Movant filed the motion as a protective petition, Pace v. DiGuglielmo, 544 U.S. 408, 416 (2005), and an application to file a second § 2255 motion is pending in the Ninth Circuit.¹ Gallant v. United States, No. 16-71793 (9th Cir.). Because the instant motion may not proceed absent such authorization, IT IS HEREBY ORDERED that this proceeding (ECF No. 258) is stayed. Within twenty-one days from the date the Ninth Circuit renders a decision in No. 16-71793, counsel for movant shall notify this court.

Dated: November 17, 2016

gall0233.stay

Kendall J. Newman
KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

¹ Review of the Court's docket is available at <https://www.supremecourt.gov>, last visited November 16, 2016.